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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,779	01/12/2004	Rachel Heitz	60655.4200	1778

66170 7590 05/24/2010  
Snell & Wilmer L.L.P. (AMEX)  
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PHOENIX, AZ 85004-2202

EXAMINER
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AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

NOTIFICATION DATE	DELIVERY MODE
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05/24/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HSOBELMAN@SWLAW.COM  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/707,779	<b>Applicant(s)</b> HEITZ ET AL.	
	<b>Examiner</b> OLABODE AKINTOLA	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7,10-12,17 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,6,7,10-12,17 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 10-12, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine et al (US 5477038) in view of Applicant's Admitted Prior Art ("AAPA")(US 20050154670).

Claims 1, 12, 17 and 22; Levine teaches a method and a corresponding system for facilitating distribution of a transaction account card through a distributor, the method comprising the steps of: issuing transaction account cards in groups to said distributor (col. 2, lines 31-32, col. 4, lines 13-32), wherein each of the transaction account cards include different randomized transaction account codes associated with a respective transaction account (col. 2, line 47-50; "*card number*"; col. 4, lines 13-32), and a serialized tracking code (col. 2, lines 47-50; "*serial numbers*"; col. 3, lines 11-14; col. 4, lines 13-32); and receiving information from the distributor via local software or Electronic Travellers Cheque (ETC) processor (col. 2, lines 31-40), wherein said information includes said transaction account codes and said serialized tracking codes which indicate said transaction account cards that have been distributed by said distributor (col. 2, lines

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31-57, col. 4, lines 34-54); processing said information via a pre-established Travelers Cheque infrastructure (col. 2, lines 31-40; “*ETC processor*”, fig. 4, ele. 66); and transmitting said processed information to a non-Travelers Cheque transaction account infrastructure (col. 2, lines 63-67, “*VisaNet*”, col. 4, lines 37-46); and approving of said serialized tracking code to enable a purchase of said transaction card (col. 2, lines 31-39, col. 4, lines 49-54).

Levine does not explicitly teach receiving information via MICR protocol.

*Examiner notes that MICR line as used by applicant (see AAPA at Para 0023) may include any indicia that may provide information including for example numbers, letters, bar codes, symbols, electronic or optical signals; and MICR protocol refers generally to MICR protocol as used by banks and financial services industries. Examiner interprets MICR protocol as MICR format, which is simply an indicia that may provide information including for example numbers, letters, bar codes, symbols, electronic or optical signals as used by banks and financial services industries.*

Levine explicitly teaches Electronic Travellers Cheque (ETC) processor (col. 2, lines 31-40).

Levine further teaches receiving information via indicia that provides information about the card (serial numbers) (col. 2, lines 47-51). AAPA discloses that the use of MICR protocol or preexisting Travelers Check infrastructure to receive information from a distributor regarding a sale of Travelers Check is old and well known (see Background of Invention (Para 003-0010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Levine’s serial number to a MICR format for the obvious reason of using the MICR format to receive information regarding the sale of the card since this MICR format is simply an indicia that provides information used by the ETC issuers.

Claim 2; Levine teaches the step of activating said distributed transaction account card (abstract, col. 2, lines 36-38).

Claim 10: Levine teaches the step of paying a third party seller a commission for said sale of said transaction account based on at least a portion of the information received from said third party seller (col. 6, lines 14-20).

Claim 11: Levine teaches confirming that activation is appropriate by confirming at least one of the following information received from said third party distributor: a purchase location, said serial tracking code and said account number (col. 2, lines 47-58).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine in view of AAPA as applied to claim 1 above, and further in view of Case et al (US 4172552) .

Claims 6-7: Levine does not explicitly teach wherein a purchase agreement is associated with said card and bears indicia of said serial tracking code; wherein said indicia of said serialized tracking code is embodied in a MICR line visible on said purchase agreement form.

Case teaches the concept of a transaction slip associated with a card and bears indicia of a tracking code; wherein said indicia of said tracking code is embodied in a MICR line visible on said transaction slip (abstract, fig. 3, col.3, lines 25-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Levine to include this feature

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whereby the individual transaction as well as the customer can be readily identified using the code on the transaction slip (Case: "Summary")

### ***Response to Arguments***

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/  
Examiner, Art Unit 3691